



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION II
290 BROADWAY
NEW YORK, NEW YORK 10007-1866

September 16, 2013

The Mosaic Company
Attention: Jim T. Prokopanko, CEO
Atria Corporate Center
Suite E490
3033 Campus Drive
Plymouth, MN 55441

Re: Newtown Creek Superfund Site, Kings County and Queens County, New York
Request for Information Pursuant to the Comprehensive Environmental Response,
Compensation, and Liability Act, 42 U.S.C. §§ 9601-9675

Dear Mr. Prokopanko:

The U.S. Environmental Protection Agency ("EPA") is charged with responding to the release and threatened release of hazardous substances, pollutants and contaminants into the environment and with enforcement responsibilities under the Comprehensive Environmental Response, Compensation, and Liability Act, as amended ("CERCLA"), 42 U.S.C. §§ 9601-9675 (also known as the "Superfund" law). More information about CERCLA, including a copy of the Superfund law, may be found at www.epa.gov/superfund.

EPA has documented the release and threatened release of hazardous substances into the environment at the Newtown Creek Superfund Site ("Site"). The Site includes a body of water located in Kings County and Queens County in the City of New York and the State of New York. Newtown Creek is a tidal arm of the New York-New Jersey Harbor Estuary that forms the northwestern-most border between the New York City boroughs of Brooklyn and Queens. It is a tributary of the East River and includes Newtown Creek proper and its five branches (or tributaries) which are known, respectively, as Dutch Kills, Maspeth Creek, Whale Creek, East Branch and English Kills, along an approximately 3.8-mile reach. References in this letter to "Newtown Creek" are meant to include Newtown Creek proper and its tributaries.

In response to the release and threatened release of hazardous substances into the environment at the Site, EPA has spent public funds and anticipates spending additional public funds. These actions have been and will be taken by EPA pursuant to CERCLA.

The Site has been listed pursuant to Section 105 of CERCLA, 42 U.S.C. § 9605, on the national priorities list of releases and threatened releases of hazardous substances, based upon the relative risk or danger to public health or welfare or the environment, for the purpose of taking action pursuant to CERCLA at such sites. Newtown Creek was listed pursuant to EPA rulemaking by publication in the *Federal Register*, on September 29, 2010. A remedial investigation and

feasibility study at the Site is currently being undertaken, under EPA oversight, by a group of potentially responsible parties pursuant to an administrative settlement agreement and order on consent. The remedial investigation focuses on a Study Area which includes the sediments and the waters of Newtown Creek. For further information on EPA's response actions, pursuant to CERCLA, at Newtown Creek, please see the information on EPA's website at <http://www.epa.gov/region2/superfund/npl/newtowncreek/>.

Historically, Newtown Creek drained the uplands of western Long Island and flowed through wetlands and marshes. However, due to heavy industrial development and governmental activities dating from the 1800's, formerly wet areas have been filled, Newtown Creek has been channelized, and its banks have been stabilized with bulkheads and rip rap.

The Newtown Creek area of Brooklyn and Queens has a history of extensive industrial development stretching back to the 1800's. By the second half of the nineteenth century, the area surrounding and adjacent to Newtown Creek had become highly industrialized. This development resulted in major reworking of the Creek banks and channel for drainage, municipal discharges, and navigation purposes. Hazardous substances discharged by industrial, municipal, and other sources over the years ended up in the Creek. Currently the predominant land use around Newtown Creek includes industrial, manufacturing, warehousing, transportation, municipal infrastructure, and utility facilities. Residential development is planned for the areas near the mouth of the Creek on both the Brooklyn and Queens sides.

The Site includes contaminated sediments for which there are numerous possible sources. Sampling events have shown the sediments in the Creek to be contaminated with a variety of hazardous substances which traverse almost the entire length of the Creek, and which include a wide variety of metals, pesticides, polycyclic aromatic hydrocarbons, phthalates, polychlorinated biphenyls and volatile organic contaminants.

As part of its investigation of potential sources of contamination to Newtown Creek, EPA is seeking information regarding entities which operated in the vicinity of Newtown Creek. The Mosaic Company is receiving this letter because EPA believes that the Company may be a successor to The American Agricultural Chemical Company, which is the former owner and operator of an agricultural chemical facility which was located on property adjacent to Newtown Creek at 3798 Railroad Avenue, 37-90 Newtown Creek and 38-20 Newtown Creek, Long Island City, New York. EPA believes that hazardous substances originating from the Company's former facility may have been or may continue to be released, or may present a threat of release, into Newtown Creek. Further, EPA believes that that the Company may have information relevant to the facility, its operations and to any such release or threats of release to Newtown Creek. Please note that EPA's investigation of the sources of contamination to Newtown Creek is expected to occur in phases. Thus, as EPA obtains information concerning the Site, the Agency may seek further information from you about the ownership or operation of your Facility.

INFORMATION REQUEST

This letter seeks your cooperation in providing information and documents relating to the Site. We encourage you to give this letter your immediate attention. A complete and truthful response to the attached Request for Information should be submitted to EPA within 45 days of your receipt of this letter.

Under Section 104(e) of CERCLA, EPA has broad information gathering authority which allows the Agency to require persons to provide information or documents relating to the materials generated, treated, stored, or disposed of at or transported to a facility, the nature or extent of a release or threatened release of a hazardous substance, pollutant, or contaminant or other waste materials at or from a facility, and the ability of a person to pay for or perform a cleanup.

While EPA seeks your cooperation in this investigation, your compliance with the enclosed Request for Information is required by law. When you have prepared your response to the Request for Information, please sign and have notarized the enclosed "Certification of Answers to Request for Information," and return that Certification to EPA along with your response. Please note that false, fictitious or fraudulent statements or representations may subject you to civil or criminal penalties under federal law. In addition, Section 104 of CERCLA, 42 U.S.C. § 9604, authorizes EPA to pursue penalties for failure to comply with requests for information.

It is possible that some of the information that EPA is requesting may be considered by you to be confidential business information. Please be aware that you may not withhold the information on that basis. If you wish EPA to treat all or part of the information confidentially, you must advise EPA of that fact by following the procedures described in the Instructions included with the enclosed Request for Information, including the requirement of supporting your claim of confidentiality.

Please note that if after submitting your response you obtain additional or different information concerning the matters addressed by the Request for Information, it is necessary that you promptly notify EPA.

This Request for Information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §§ 3501-3520.

Your response to this Request for Information (in hard copy and pdf) should be sent to:

Michael A. Mintzer
Assistant Regional Counsel
New York/Caribbean Superfund Branch
Office of Regional Counsel
U.S. Environmental Protection Agency, Region II
290 Broadway, 17th Floor

New York, NY 10007-1866
mintzer.michael@epa.gov

with a copy (in pdf only) to:

Caroline Kwan
Remedial Project Manager
New York Remediation Branch
Emergency and Remedial Response Division
U.S. Environmental Protection Agency, Region II
290 Broadway, 20th Floor
New York, NY 10007-1866
kwan.caroline@epa.gov

If you have any questions regarding this Request for Information, or would like to discuss this matter with EPA, you may call Mr. Mintzer at (212) 637-3168.

We appreciate and look forward to your prompt response to this information request.

Sincerely yours,



Nicoletta DiForte
Senior Enforcement Policy Advisor
Emergency and Remedial Response Division

Attachments

cc: Richard L. Mack, Executive Vice President, General Counsel and Corporate Secretary
The Mosaic Company
Atria Corporate Center
Suite E490
3033 Campus Drive
Plymouth, MN 55441

DIRECTIONS AND DEFINITIONS FOR RESPONDING TO REQUEST FOR
INFORMATION

A. Directions

1. A complete and separate response should be given for each question.
2. Identify each answer with the number of the question to which it is addressed.
3. Please provide one hard copy as well as one pdf copy (on compact disc) of your response and documents to Mr. Mintzer, and one pdf copy (on compact disc) to Ms. Kwan. Please see Directions numbered 14 and 15, below with respect to any documents that the Company may assert are entitled to confidential treatment.
4. For each document produced in response to this Request for Information, indicate on the document, or in some other clear manner, the question to which it applies.
5. In preparing your response to each question, consult with all present and former employees and agents of the Company whom you have reason to believe may be familiar with the matter to which the question pertains.
6. In answering each question, identify each individual and any other source of information (including documents) that was consulted in the preparation of the response to the question.
7. If you are unable to give a detailed and complete answer, or to provide any of the information or documents requested, indicate the reason for your inability to do so.
8. If you have reason to believe that an individual other than one employed by the Company, as the term is defined below, may be able to provide additional details or documentation in response to any question, identify that person.
9. If a document is requested but not available, state the reason for its unavailability. To the best of your ability, identify the document by author, date, subject matter, number of pages, and all recipients of the document with their addresses.
10. If anything is omitted from a document produced in response to this Request for Information, state the reason for, and the subject matter of, the omission.
11. If you cannot provide a precise answer to a question, please approximate but, in any such instance, state the reason for your inability to be more specific.
12. Whenever this Request for Information requests the identification of a natural person, or other entity, the person or entity's full name and present or last known address also should be provided.
13. If a response to any question is answered completely by a response to another question, or a request for a document has been addressed by a separate production, you may cross

reference the responses so that you do not need to provide a duplicate response or duplicate documents.

14. Confidential Information. The information requested herein must be provided even though you may contend that it includes confidential business information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. §§ 9604(e)(7)(E) and (F), and 40 C.F.R. Section 2.203(b).
15. If you make a claim of confidentiality for any of the information you submit to EPA, you must prove that claim. For each document or response you claim to be confidential, you must separately address the following points:
 - a. the portions of the information which are alleged to be entitled to confidential treatment;
 - b. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
 - c. measures taken by you to guard against the undesired disclosure of the information to others;
 - d. the extent to which the information has been disclosed to others, and the precautions taken in connection therewith;
 - e. pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
 - f. whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp, or type, "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise non-confidential documents should be clearly identified. Please submit your response so that all non-confidential information, including any redacted versions of documents, are in one envelope and all materials for which you desire confidential treatment are in another envelope. For documents submitted in pdf on compact disc, please send separate compact discs for confidential information.

All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so and that it is not and has not been obtainable by legitimate means without your consent. Information entitled to confidential treatment will be disclosed by EPA only to the extent permitted by CERCLA Section 104(e) and 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice to you.

B. Definitions

1. As used herein, the term “Newtown Creek” shall refer to Newtown Creek, and shall include its five branches or tributaries, namely Dutch Kills, Maspeth Creek, Whale Creek, East Branch and English Kills.
2. As used herein, the term “Site” shall refer to Newtown Creek and any areas that have been a source of contamination to Newtown Creek, or are places where releases of such contamination to Newtown Creek have come to be located.
3. As used herein, the term “hazardous substance” shall have the meaning set forth in Section 101(14) of CERCLA, 42 U.S.C. § 9601(14). The substances which have been designated as hazardous substances pursuant to Section 102(a) of CERCLA (which, in turn, comprise a portion of the substances that fall within the definition of “hazardous substance” under Section 101(14) of CERCLA) are set forth at 40 CFR Part 302.
4. As used herein, the terms “hazardous waste,” “disposal” and “storage” shall have the meanings set forth in Sections 1004(3), (5) and (33) of the Resource Conservation and Recovery Act (“RCRA”), 42 U.S.C. §§ 6903(3), (5) and (33), respectively.
5. As used herein, the term “industrial waste” shall mean any solid, liquid or sludge or any mixture thereof which possesses any of the following characteristics:
 - a. it contains one or more “hazardous substances” (at any concentration) as defined in 42 U.S.C. § 9601(14);
 - b. it is a “hazardous waste” as defined in 42 U.S.C. § 6903(5);
 - c. it has a pH less than 2.0 or greater than 12.5;
 - d. it reacts violently when mixed with water;
 - e. it generates toxic gases when mixed with water;
 - f. it easily ignites or explodes;
 - g. it is an industrial waste product;
 - h. it is an industrial treatment plant sludge or supernatant;
 - i. it is an industrial byproduct having some market value;
 - j. it is coolant water or blowdown waste from a coolant system;
 - k. it is a spent product which could be reused after rehabilitation; or
 - l. it is any material which you have reason to believe would be toxic if ingested, inhaled or placed in contact with your skin.
6. As used herein, the term “release” shall have the meaning set forth in Section 101(22) of CERCLA, 42 U.S.C. § 9601(22).
7. As used herein, the term “Company” refers to the addressee, The Mosaic Company, and to all predecessor entities and affiliates (see Definition 8) if any such predecessor or affiliate owned or conducted business at the Facility (see Definition 9.a.).
8. As used herein, the term “affiliate” or “affiliated” refers to all entities controlling, controlled by or in common control with the Company, whether currently in existence or no longer in existence.

9. As used herein, the terms:
- a. "Facility" shall mean the facility located at the current address and block and lot known as 3798 Railroad Avenue (Borough of Queens, Block 312, Lot 279) and 37-90 Newtown Creek and 38-20 Newtown Creek (Borough of Queens, Block 312, Lots 272 and 280), together with the structures, infrastructure and other improvements located thereon; and
 - b. "Other Newtown Creek Property(ies)" shall mean all other properties or facilities, if any, now or formerly owned or operated by the Company within the area extending one-thousand feet from the shoreline of Newtown Creek (including each branch or tributary of Newtown Creek).
10. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known employer and business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, occupation, position or business.
11. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship) to set forth its full name, address, legal form (*e.g.*, corporation, partnership, business trust, etc.), a brief description of its business and its ultimate parent corporation.
12. Other defined terms:
- a. As used herein, the term "Facility Plan" means one or more diagrams or depictions of the Facility providing the information requested by the Request for Information.
 - b. As used herein, the term "MSDS" means Material Safety Data Sheet.
 - c. As used herein, the acronym "TAACC" means "The American Agricultural Chemical Company."
13. All terms not defined herein shall have their ordinary meanings, unless such terms are defined in CERCLA or RCRA or in their implementing regulations, in which case the statutory or regulatory definitions apply.

REQUEST FOR INFORMATION

Section 1.0 Company Information

1. Company Identification. Provide the following information with respect to the Company (see Definition 7).
 - a. The full legal, corporate name and mailing address.
 - b. The state and date of incorporation of the Company, the date of qualification to do business in the State of New York and the Company's agents for service of process in the state of incorporation and the State of New York.
 - c. The identity of the Chief Executive Officer or other presiding officer of the Company.
 - d. Please identify the relationship between the Company and Freeport-McMoRan, Inc. with respect to The American Agricultural Chemical Company ("TAACC") and Agrico Chemical Company or the business or assets of TAACC and Agrico Chemical Company.
2. Relationship to The American Agricultural Chemical Company and Agrico Chemical Company and Other Related Entities.
 - a. Did the Company acquire the business or assets of the entities known as The American Agricultural Chemical Company or Agrico Chemical Company? If your answer is yes:
 - i. Did the Company acquire such business or assets from Freeport-McMoRan, Inc. or an affiliate.
 - ii. If the answer to the foregoing question is no, identify the entity from whom such business or assets was acquired.
 - iii. Identify the arrangements in the acquisition documents addressing legacy environmental liabilities of such business or assets and provide a copy of the acquisition documents relating to such legacy liabilities, including legacy liabilities associated with The American Agricultural Chemical Company and Agrico Chemical Company.
 - b. Please identify any entity not related to the Company who the Company believes may be responsible pursuant to CERCLA for contamination attributable to The American Agricultural Chemical Company/Agrico Chemical Company. Please describe the basis for such belief and provide any documentary information supporting the Company's belief.
3. Future EPA Communications. If the addressee of this letter requests that future communications from EPA regarding the Site be sent to a particular individual or office, provide the name, address, telephone number, e-mail address and capacity of such individual or office.

Section 2.0 Ownership/Operator Information of the Facility and Newtown Creek

4. Operations at the Facility.

- a. Please identify the principal business operations conducted by The American Agricultural Chemical Company during the years 1900 through 1932.
- b. Please identify all business operations conducted at the Facility by The American Agricultural Chemical Company between the years 1900 and 1932.
- c. Please identify all products produced, manufactured, assembled or otherwise made available for sale at or from the Facility and identify the markets into which those products were sold or traded.
- d. Identify all products produced, manufactured, assembled or otherwise made available for sale by The American Agricultural Chemical Company at any of its plants between the years 1900 and 1932.

5. Facility Plan and Historic Maps, Drawings, Surveys and Photographs of the Facility.

- a. Facility Plan. Please provide a Facility Plan, if in the possession of the Company, showing, to the extent known:
 - i. Buildings and improvements,
 - ii. Bulkheads,
 - iii. Ship loading and unloading and vehicle loading and unloading areas,
 - iv. Sanitary and storm sewers,
 - v. Below-ground infrastructure including tanks and pipes,
 - vi. Above-ground infrastructure including tanks, spill containment facilities and pipes,
 - vii. Over-water or in-water facilities (e.g., piers, docks, cranes), and
 - viii. Discharge facilities including pipes discharging to Newtown Creek or NYC sewers and other discharge features.
- b. Historic Photos, Maps, Surveys, Etc. Please provide such other maps, drawings, surveys (including Sanborn maps) and historic photographs (including aerial photos) in the Company's possession which provide information relevant to the layout, construction, processes, bulkheads, or vehicle activities (washing, servicing, fueling or storage), or other operations at the Facility.

6. Current and Historic Depiction of the Facility.

- a. Provide a copy of schematic drawings or plans, in the Company's possession, depicting the manufacturing processes and infrastructure employed in operations at the Facility.
- b. Provide such other drawings, maps, photographs and surveys, including, for example, Sanborn maps of the Facility, in the Company's possession showing features of the Facility either before or during the time of the ownership or

operation that would provide an understanding of the configuration of and operations at the Facility.

7. Bank Erosion, Overland Transport and Overwater Activities at or From the Facility to Newtown Creek.

- a. Description of Bulkheads and Bank Stabilization. Describe all bank stabilization systems at the Facility, including bulkheads, rip rap, vegetation or other systems, and the construction materials and mode of construction used. Identify on the Facility Plan the extent and type of shoreline stabilization at all areas of the Facility. State whether there has been or whether there is any ongoing bank erosion, and identify on the Facility Plan the location of shoreline erosion. Identify the Company's role and responsibility in building and maintaining the bulkheads and other shoreline stabilization systems. Describe the system, if any, for preventing materials upland of the bulkhead from releasing into Newtown Creek. State whether there are weep holes or gaps or openings in the bulkheads or shoreline stabilization systems and, if so, whether upland storm water, Facility materials or water from Newtown Creek passes through the bulkhead or shoreline stabilization system.
- b. Documents Relating to Bank Stabilization.
 - i. Provide a complete set of construction drawings and specifications relating to bulkheads and other bank stabilization systems.
 - ii. Identify all permits issued to the Company for bulkheads or other bank stabilization systems and provide a copy of all permits and permit applications.
 - iii. Provide a copy of all correspondence with regulatory authorities relating to bulkheads and bank stabilization, including, without limitation, notices of violation and their disposition.
 - iv. Provide a copy of all studies, reports or plans relating to the construction, repair or maintenance of bulkheads and other shoreline stabilization systems.
 - v. Provide a copy of all contracts and invoices with third parties relating to repair or maintenance of bulkheads and other bank stabilization systems.

8. Outfalls into Newtown Creek. Identify and show on the Facility Plan all outfalls or discharge points from the Facility into Newtown Creek, including location of outfall, gallons per day and source of influent to Newtown Creek.

9. Construction, Excavation and Land Filling Activities.

- a. Describe all construction, excavation, and land fill activities undertaken by the Company at the Facility, including without limitation removal or installation of underground or above ground infrastructure.

10. Facility Storm Water Drainage.
- a. Describe how storm water was managed and drained at the Facility and depict on the Facility Plan all drainage flow and drainage infrastructure including all receiving facilities for storm water. Separately explain and depict point source drainage through pipes or other conveyances as well as sheet flow or surface water runoff.
 - b. Provide a copy of all drainage studies, reports or plans for all periods during the Company's ownership, operation or occupancy of the Facility.
 - c. Identify on the Facility Plan elevations of the Facility relative to Newtown Creek. State whether elevations have changed during the period of the Company's ownership or operation of the Facility and describe all such changes.
11. Facility Process Water Management. Identify all waste water streams, other than sanitary waste water from rest rooms that is generated at the Facility, and identify the activities generating such waste water. Describe how process waste water is managed at the Facility and depict on the Facility Plan all process and waste water treatment and disposal facilities. If waste water facilities have changed over the years of the Company's ownership or operations, describe infrastructure changes and the dates such changes were placed into use. Identify and provide a copy of all permits for management or drainage of process waste water. Provide a copy of all data from sampling discharges of waste water, including all data from sampling any process or business waste stream currently or formerly generated at the Facility. Provide a copy of all waste water management and drainage studies, reports or plans for all periods during the Company's ownership or occupancy of the Facility.
12. Connections to New York City sewer system.
- a. State whether the Facility is or was connected to the New York City sewer during the Company's ownership or operation and the date that the Facility was first connected.
 - b. Identify the waste streams (sanitary, storm water, process water), if any, connected to the New York City sewer.
 - c. Identify all liquid waste streams not connected to the New York City sewer and describe disposal of such waste streams.
 - d. State whether the Facility ever discharged any liquid wastes other than to the New York City sewer system and, if so, provide details on such discharges.
 - e. State whether the Facility participated in the New York City pretreatment program, and whether the Company has ever been classified as a significant industrial user.
 - f. Provide copies of all permits and permit applications for New York City Industrial Wastewater discharge permits.

- g. Provide copies of all notices of violations, correspondence, hearing transcripts and dispositions relating to the Company's use of the New York City sewer system.
 - h. Provide copies of all surveys, reports or analyses delineating or characterizing the Company's liquid wastes.
13. Storage and Combustion of Coal. Did the operations at the Facility include the storage or combustion of coal during the time of ownership or operation by The American Agricultural Chemical Company? If your answer is yes, please respond to the following requests for information and identify the following for all periods of time related to the responses:
- a. The purpose for which coal was present at the Facility.
 - b. The annual volume and type or types of coal (i.e. bituminous, anthracite, etc.) handled at the Facility.
 - c. The location and manner of coal storage at the Facility
 - d. The coal storage, shipment and transfer locations on the Facility Plan.
14. Bulk Storage Containers.
- a. If the Facilities has or had bulk storage of petroleum or chemicals, please show the location of each storage tank on the Facility Plan and describe each tank by volume, construction materials, spill prevention and containment systems and whether it is located above- or below- ground. Identify the materials currently and historically stored in each tank, including the types of petroleum products and additives handled at any time during the operation of the Facilities, and identify the purpose and use of such stored materials at the Facility. Provide a copy of the material safety data sheet ("MSDS") for each such material.
 - b. Provide all documents related to permitting, inspection, maintenance, cathodic protection, product inventory levels, spills, cleaning, and closure of such tanks and correspondence between the Company and regulatory authorities concerning the storage tanks.
15. Chemicals and Other Materials Used, Produced and Generated at the Facility. Identify the compounds and chemicals received, stored and used at the Facility and the purpose that the compounds and chemical were acquired.
- a. For receipt of materials, please identify all such materials, being specific in identifying such each item including brand name of any chemical or, if generic, the identity and description of such material, the purpose for which it was received and the process in which it was employed. Please provide copies of MSDSs for each such chemical. Identify the annual volume of receipt of such materials.
 - b. Identify all products produced at the Facility or shipped from the Facility and, if applicable, provide copies of MSDSs. Identify the approximate annual volume of production at the Facility by product line.
 - c. Describe in detail how and where the hazardous substances, hazardous wastes, and industrial wastes are or were generated at the Facility and how they were

disposed. For each disposal location and method, state the nature and quantity or the material disposed on an annual basis.

16. Oil/Water Separators. Identify all oil/water separators at the Facility during the ownership or operation of the Facility by The American Agricultural Chemical Company, including dates of installation, dates of replacement or major modification, purpose of installation and source of influent, and location of discharge. Provide a copy of each permit and permit application, influent and effluent sampling results and copies of all submissions to federal, state, city or county environmental agencies or public health agencies relating to oil/water separators.

Section 3.0 Civil Litigation, Administrative Enforcement and Criminal Matters

17. Civil Litigation, Administrative Enforcement and Criminal Matters:

- a. Has the Company been a party to any litigation or involved in any other claim where an allegation by or against the Company included environmental contamination of Newtown Creek or contamination of the Facility or any other upland property within one thousand five hundred feet from Newtown Creek (whether or not such other property was owned or operated by the Company and whether the claim was based on the Company's alleged ownership, operation, transporter status, or arranger relationship to the Facility or some other basis)? If yes, identify such litigation or claim, briefly describe the allegation by or against the Company, the status of the litigation or claim, and provide a copy of the pleadings and any settlement agreement or court order.
- b. Without limitation, include in your response to subparagraph a., above, any claims involving owners, operators, transporters or generators involved with the Facility after the time that The American Agricultural Chemical Company owned and operated the Facility, including claims relating to the Estate of Carl Capasso or to a company identified as Quanta Resources.
- c. Has the Company been identified by EPA or by any New York State or New York City agency as a party responsible for environmental contamination at or from the Facility upland property within the Newtown Creek drainage basin whether or not such other property was owned or operated by the Company (whether the claim was based on the Company's alleged ownership, operation, transporter status, or arranger relationship to the facility or some other basis)? If yes, state the Company's understanding of the basis for such notice of responsibility and provide a copy of any correspondence, orders or agreements between the Company and the governmental agency.
- d. Has the Company or an employee, contractor or agent ever been accused of any criminal violation relating to illegal disposal or any other environmental matter in connection with any activity or operation at the Facility? If so, describe the disposition of such accusation and provide details on such accusation.

Section 4.0 Insurance and Indemnification

18. Insurance and Indemnification:

- a. Provide a schedule of liability insurance policies that may provide coverage to the Company for environmental liability associated with Newtown Creek.
- b. Identify each entity that may have a duty to indemnify the Company for any potential environmental liability in connection with Newtown Creek, identify the circumstances giving rise to the indemnity, and provide a copy of any document that reflects a requirement to so indemnify the Company.
- c. Identify each entity that the Company has agreed to indemnify for any potential environmental liability in connection with Newtown Creek. Provide a copy of any document that reflects a requirement to indemnify by the Company.

19. Financial Information: Provide a copy of the Company's public financial statements for its most recent fiscal year.

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION
NEWTOWN CREEK SUPERFUND SITE

State of _____:

County of _____:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I am also aware that the Company is under a continuing obligation to supplement its response to EPA's Request for Information if any additional information relevant to the matters addressed in EPA's Request for Information or my Company's response thereto should become known or available to the Company.

NAME (print or type)

TITLE (print or type)

COMPANY NAME

SIGNATURE

Sworn to before me this _____ day of _____, 2013

Notary Public

My commission expires: _____

[STAMP OR SEAL]